IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1873 of 2005

Between:

Mahaboob Shariff, s/o late P.Lala Shariff,
r/o Rajaji Road, Srinivaspur Post, Kolar District, Karnataka.

..... PETITIONER

AND

1 Secretary, Regional Transport Authority, Chittoor.
2 Motor Vehicles Inspector, Palmaner, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other writ, order or direction, declaring the action of the 2nd respondent in seizing the petitioner's bus bearing Registration No.KA07/A.747 under check report No.2231545 dt.1-2-2005 as illegal, arbitrary and without jurisdiction and further direct the respondents to release the said vehicle forthwith to the petitioner.

Counsel for the Petitioner: MR.NOUSHAD ALI

Counsel for the Respondents: GP FOR TRANSPORT

The Court, at the stage of admission, made the following :

ORAL ORDER:

The writ petition is filed seeking a Mandamus to declare the action of the 2nd respondent in seizing and detaining the petitioner's vehicle bearing No.KA07 A747 vide Check Report No.2231545, dated 1.2.2005 as illegal and arbitrary.

The petitioner claims that he is the owner of the vehicle (Bus) bearing No.KA07 A747 and that his vehicle was seized by the 2nd respondent vide Check Report No.2231545, dated 1.2.2005 for violation of certain provisions of the Motor Vehicles Act, 1988 and the Rules framed thereunder.

Whether the petitioner has violated the provisions of the Motor Vehicles Act, 1988 and the Rules framed thereunder, has to be decided by the competent authority. Meanwhile, it is not desirable to keep the vehicle idle exposing to sun and rain causing damage to the vehicle. Therefore, the 1st respondent is directed to release the petitioner's vehicle bearing No.KA07 A747 on the following terms and

conditions:

1. *that the petitioner shall not alienate or transfer the vehicle.*

2. *that the petitioner shall not remove the spare parts of the vehicle.*

3. *that the petitioner shall produce the vehicle as and when required before the competent authority.*

4. *that the petitioner shall pay the taxes due, if any, as on today.*

The writ petition is disposed of in terms of the above directions. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

8th February, 2005.

bcj

To

1 Secretary, Regional Transport Authority, Chittoor.
2 Motor Vehicles Inspector, Palmaner, Chittoor District.

3 Two C.Cs. to the Government Pleader for Transport, HighCourt Buildings,

Hyderabad (OUT)

4 Two C.D. copies.

Note: Issue wire at party’s cost.

B/o

bcj